

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE CHICAGO PAINTERS	)	
AND DECORATORS PENSION FUND,	)	
TRUSTEES OF THE CHICAGO PAINTERS	)	
AND DECORATORS WELFARE FUND,	)	
TRUSTEES OF THE CHICAGO PAINTERS	)	
AND DECORATORS SAVINGS FUND,	)	
TRUSTEES OF THE CHICAGO PAINTERS	)	
AND DECORATORS APPRENTICESHIP	)	
FUND, TRUSTEES OF THE CHICAGO	)	
PAINTERS AND DECORATORS	)	No. 23-cv-01815
SCHOLARSHIP FUND, AND TRUSTEES OF	)	
THE CHICAGO PAINTERS AND	)	
DECORATORS JOINT COOPERATION	)	Hon. Judge Hunt
TRUST FUND,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
LEGEND CONSTRUCTION SERVICES, INC.,	)	
an Illinois corporation.	)	
	)	
Defendant.	)	

**PLAINTIFFS' MOTION FOR JUDGMENT IN SUM CERTAIN**

Plaintiffs, by and through their attorneys, Donald D. Schwartz, James R. Anderson, Brian C. James, Grant R. Piechocinski and Arnold and Kadjan, LLP hereby submit their Motion for Judgment in Sum Certain. In support thereof, Plaintiffs state as follows:

1. Plaintiffs filed this action on March 23, 2023 under the Employee Retirement Income Security Act ("ERISA") (29 U.S.C. §1001 et seq.) to compel Defendant to undergo a fringe benefit contrition compliance audit and for this Court to enter judgment for any and all amounts shown due.
2. Defendant is a signatory employer required to make contributions to the Plaintiff Funds.
3. Since May 5, 2023, Defendant has been in default. [Docket Entry 12].

4. A fringe benefit contribution compliance audit revealed Defendant owes Plaintiffs \$75,436.48, consisting of \$54,948.90 in contributions, \$8,242.34 in liquidated damages for those findings, \$3,207.01 in discrepancies due on monthly reports submitted by Defendant without payment for all hours reported, \$7,148.23 in liquidated damages due for untimely paid monthly contribution reports and \$1,890.00 in audit costs for the period of April 1, 2021 through July 31, 2022. *See Exhibit A* – Richard Wolf Affidavit ¶¶ 2-4.
5. Defendant owes \$3,397.00 in attorneys’ fees and costs. *See Exhibit B* – Brian James Affidavit ¶ 6.
6. Defendant owes a total of \$78,833.48 to Plaintiffs in this action.

WHEREFORE, Plaintiffs request that this Court:

- A. Enter judgment in favor of the Plaintiffs against Defendant in the amount of \$78,833.48 for the audit period of April 1, 2021 through July 31, 2022; and
- B. Any such other and further relief that this Court deems appropriate.

Respectfully submitted,

TRUSTEES OF THE CHICAGO  
PAINTERS AND DECORATORS  
PENSION FUND et al,

/s/ Brian C. James  
One of Plaintiffs’ Attorneys

DONALD D. SCHWARTZ  
JAMES R. ANDERSON  
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BRIAN C. JAMES  
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FUND, TRUSTEES OF THE CHICAGO	)	
PAINTERS AND DECORATORS	)	No. 23-cv-01815
SCHOLARSHIP FUND, AND TRUSTEES OF	)	
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DECORATORS JOINT COOPERATION	)	Hon. Judge Hunt
TRUST FUND,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
LEGEND CONSTRUCTION SERVICES, INC.,	)	
an Illinois corporation.	)	
	)	
Defendant.	)	

**CERTIFICATE OF SERVICE**

To: Legend Construction Services, Inc.  
c/o Jorge G. Gutierrez, its President  
10904 S. Avenue M  
Chicago, IL 60617

That the undersigned, an attorney of record, hereby certifies that the foregoing instrument was sent via First Class Mail service to the party listed at the above indicated address on September 22, 2023.

TRUSTEES OF THE CHICAGO PAINTERS AND  
DECORATORS PENSION FUND ET AL.

/s/ Brian C. James

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